

United States District Court
Southern District of Texas
FILED

JUL 23 2015

AO-91 (Rev. 8/01) Criminal Complaint

Clerk of Court

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Case Number: M-15-1224-M

Fernando Melgoza Ramirez
YOB: 1985
Mexican Citizen

I, the undersigned complainant state that the following is true and correct to the best of my

Knowledge and belief. On or about July 22, 2015 in Pharr County, in
(Date)
the Southern District of Texas Defendant(s) did,

Knowingly and intentionally possess with intent to distribute approximately 6.00 kilograms of Methamphetamine, and 5.00 kilograms of Heroin a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute approximately 6.00 kilograms of Methamphetamine, and 5.00 kilograms of Heroin a Schedule II controlled substance.

in violation of Title 21 United States Code, Section(s) 841(a)(1), 846.I further state that I am a(n) Special Agent And that this complaint is based on the
Official Title

following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Signature of Complainant

Pablo Silva, HSI Special Agent

Printed Name of Complainant

Sworn to before me and signed in my presence,

Date

7/23/2015

At

McAllen, Texas

City and State

U.S. Magistrate Judge, Dorina Ramos

Dorina Ramos

On July 22, 2015, Fernando MELGOZA-Ramirez attempted to make entry into the United States through the Pharr, Texas Port of Entry (POE). At the time of his entry MELGOZA-Ramirez was the sole occupant, and operator, of a tractor-trailer transporting frozen mangos. MELGOZA-Ramirez and his vehicle were referred to secondary inspection by members of the United States Customs and Border Protection (CBP) based on a previously identified automatic targeting unit (ATU) record pertaining to the vehicle.

During the secondary inspection, members of CBP conducted a non-intrusive inspection utilizing the Vehicle and Cargo Inspection System (VACIS). During the VACIS inspection, members of CBP observed anomalies present within the battery compartment of the tractor. Following the VACIS inspection, members of CBP conducted a canine free air sniff of the vehicle. The canine positively alerted for the presence of an odor consistent with narcotics. A further inspection of the battery area resulted in the discovery of two (2) separate bundles concealed within the battery. One of the bundles field tested positive for the characteristics of methamphetamines, and was found to weigh approximately 6.00 kilograms. The second bundle field tested positive for the characteristics of Heroin and weighed approximately 5.00 kilograms.

Members of Homeland Security Investigations (HSI) arrived at the Pharr, Texas POE and provided MELGOZA-Ramirez his Miranda Rights both orally and in writing, in the Spanish Language. MELGOZA-Ramirez informed HSI special agents that he understood his rights, and agreed to waive those rights both orally and in writing, and agreed to speak to HSI special agents without an attorney present. The following information was provided by MELGOZA-Ramirez in a post Miranda interview.

MELGOZA-Ramirez claimed that on July 22, 2015, he was traveling from Ciudad Victoria, Mexico to McAllen, Texas with a load of mangos. During the trip, MELGOZA-Ramirez claimed that his vehicle was stopped by armed individuals in a black pickup truck, who were not law enforcement, in the area of Buenos Aires, Mexico. After MELGOZA-Ramirez had been stopped, MELGOZA-Ramirez claimed that he was forced at gunpoint to the sleeper area of his tractor. MELGOZA-Ramirez stated that a second subject entered the vehicle and began driving to a location not known by MELGOZA-Ramirez. MELGOZA-Ramirez claimed that the individuals drove for approximately thirty (30) minutes. Upon arrival at the unknown location, MELGOZA-Ramirez heard what he perceived to be power tools being utilized on his vehicle in an unknown capacity.

MELGOZA-Ramirez stated that following the noises that appeared to be the operation of power tools, MELGOZA-Ramirez claimed that photographs were taken by the unknown assailants of himself, pictures of his family that he retained in his wallet, MELGOZA-Ramirez's identification cards and MELGOZA-Ramirez's tractor. MELGOZA-Ramirez informed HSI special agents that his assailants took possession of

his cellular telephones and changed the "security code" present on the telephones, without revealing the new security code to MELGOZA-Ramirez. MELGOZA-Ramirez claimed that the individuals then departed the unknown location and drove to Reynosa, Mexico. Upon arrival in what MELGOZA-Ramirez later identified as Reynosa, Mexico, MELGOZA-Ramirez was given custody of his vehicle and told to enter the U.S. via the Pharr, Texas POE while accompanied by one (1) male assailant that was also in MELGOZA-Ramirez's tractor.

MELGOZA-Ramirez claimed that the unknown individual that was in the tractor with MELGOZA-Ramirez exited the vehicle after the individual successfully navigated their way through Mexican customs. MELGOZA-Ramirez was instructed to travel to the scheduled delivery location where his unknown assailants would be waiting for the tractor.

MELGOZA-Ramirez informed HSI special agents that he was not aware of what was concealed inside his vehicle at the time it was returned to his control. MELGOZA-Ramirez informed HSI special agents that he was not aware of any illegal substances concealed within his vehicle.